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Attorney's Docket No.: 17101-017003 / 24727-813C

RESPONSE UNDER 37 CFR §1.116--
EXPEDITED PROCEDURE--
EXAMINING GROUP 1641

1641
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Emory V. Anderson, et al. Art Unit : 1641
Serial No. : 09/717,478 Examiner : Davis, D. A.
Filed : November 20, 2000 Conf. No. : 9900
Cust. No. : 20985
Title : POINT OF CARE DIAGNOSTIC SYSTEMS

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Final Rejection, dated November 19, 2003, finally rejecting Claims 18-21, 29 and 30 of the above-captioned patent application. A check for the fees due on a Three (3) month extension of time and Notice of Appeal are filed herewith.



The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

Stephanie L. Seidman
Reg. No. 33,779

Attorney Docket No. 17101-017003
Address all correspondence to:
Stephanie L. Seidman
Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (202) 626-7796
email: seidman@fr.com
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I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, Mail Stop AF, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Stephanie L. Seidman

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Adjustment date: 07/30/2004 EEKUBAY2
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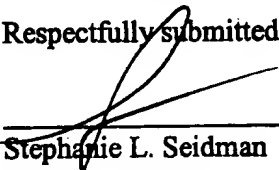
REQUEST FOR REFUND

On or about April 1, 2004, Applicant paid the requisite fees for an extension of time to retain pendency of the application, by way of an enclosed check in the amount of \$210.00 for the two (2) months extension of time fee. Further, on or about May 19, 2004, Applicant paid the required fees for a Notice of Appeal, by way of an enclosed check in the total amount of \$430.00; in payment of \$265.00 for the Three (3) months extension of time fee (\$475.00 less \$210.00 previously paid on April 1, 2004), and \$165.00 for the Notice of Appeal fee.

On May 31, 2004, a fee in the amount of \$475.00 for a three-month extension of time was charged to Fish & Richardson's Deposit Account No. 06-1050.

Accordingly, the charge to Deposit Account No. 06-1050 was improper, as all fees had previously been satisfied. Applicant respectfully requests that the overcharge amount be refunded to Fish & Richardson's Deposit Account No. 06-1050 as a credit.

Respectfully submitted,


Stephanie L. Seidman
Reg. No. 33,779

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Alexandria, Va 22313-1450

TRANSMITTAL LETTER

Dear Sir:

Transmitted herewith are a Transmittal Letter (1 page – in duplicate), a Request for Refund (1 page), copies of two (2) canceled checks, and a Return postcard in connection with the above-captioned patent application.

- ☒ The Commissioner is hereby authorized to charge any fee, including any submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 06-1050.

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